

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Richard F. Vitale Jr.
Erin B. Vitale
Debtor(s)

Bankruptcy Case No.: 16-24802-GLT
Issued Per 9/13/2018 Proceeding
Chapter: 13
Docket No.: 55 - 46
Concil. Conf.: September 13, 2018 at 01:30 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated July 25, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Sep. 13, 2018 at 01:30 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 12 of PNC Bank with payment changes impemented .
- ☒ H. Additional Terms: A Fee Application is needed if any fee (including retainer) exceeds \$4,000.00 including any fees paid to prior counsel.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: September 14, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
United States Bankruptcy Court
Western District of Pennsylvania

In re:
Richard F. Vitale, Jr.
Erin B. Vitale
Debtors

Case No. 16-24802-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
Form ID: 149

Page 1 of 2
Total Noticed: 26

Date Rcvd: Sep 14, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 16, 2018.

db/jdb +Richard F. Vitale, Jr., Erin B. Vitale, 54 Green Crescent Drive,
Washington, PA 15301-3063
cr +American Honda Finance Corporation d/b/a Honda Fin, 3625 W. Royal Lane #200,
Irving, TX 75063-2912
14342615 +AES, P.O. Box 2461, Harrisburg, PA 17105-2461
14342616 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank of America, PO Box 15019, Wilmington, DE 19886-5019)
14342618 Card Services, P.O. Box 13337, Philadelphia, PA 19101-3337
14342619 Department of Education, Fed Loan Servicing, 530210, Atlanta, GA 30353-0210
14342620 Discover Bank, PO Box 742655, Cincinnati, OH 45274-2655
14740855 Educational Credit Management Corporation, PO BOX 16408, ST. PAUL, MN 55116-0408
14342622 Home Depot Credit Services, PO Box 9001010, Louisville, KY 40290-1010
14349009 +PHEAA, PO BOX 8147, HARRISBURG, PA 17105-8147
14342626 PNC Bank, PO Box 856177, Louisville, KY 40285-6177
14342627 PNC Bank NA, PO Box 6534, Carol Stream, IL 60197-6534
14393424 +PNC Bank, N.A., PO BOX 94982, Cleveland, OH 44101-4982
14410398 +PNC Bank, NA, 3232 Newmark Drive, Miamisburg, OH 45342-5421
14401516 U.S.Department of Education, C/O FedLoan Servicing, P.O.Box 69184,
Harrisburg PA 17106-9184
14342628 #+Viewtech Financial Services, Inc., 1679 E. Orangethorpe Avenue, Atwood, CA 92811-1200
14398126 Wells Fargo Bank, N.A., PO Box 10438, Des Moines, IA 50306-0438
14342629 Wells Fargo Financial Bank, PO Box 660553, Dallas, TX 75266-0553

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14345149 E-mail/Text: ebnbankruptcy@ahm.honda.com Sep 15 2018 02:10:32
American Honda Finance Corporation, National Bankruptcy Center, P.O. Box 168088,
Irving, TX 75016-8088
14401683 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Sep 15 2018 02:25:16
American InfoSource LP as agent for, Verizon, PO Box 248838,
Oklahoma City, OK 73124-8838
14342617 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Sep 15 2018 02:14:10 Capital One Bank,
PO Box 71083, Charlotte, NC 28272-1083
14369534 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Sep 15 2018 02:14:31
Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
14347324 E-mail/Text: mrdiscen@discover.com Sep 15 2018 02:09:56 Discover Bank,
Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
14342625 +E-mail/PDF: gecsed@recoverycorp.com Sep 15 2018 02:14:31 Lowes/Synchrony Bank,
PO Box 530914, Atlanta, GA 30353-0914
14419108 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 15 2018 02:14:34
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14886678 +Fax: 724-225-8740 Sep 15 2018 02:34:25 Wabellco Federal Credit Union, 1277 Park Avenue,
Washington, PA 15301-5949

TOTAL: 8

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr PNC BANK NATIONAL ASSOCIATION
cr* Educational Credit Management Corporation, PO Box 16408, St. Paul, MN 55116-0408
14342623* ++AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088
(address filed with court: Honda Financial Services, 1220 Old Alpharetta Road, Suite 350,
Alpharetta, GA 30005)
14342624* ++AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088
(address filed with court: Honda Financial Services, 1220 Old Alpharetta Road, Suite 350,
Alpharetta, GA 30005)
14350487* ++AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088
(address filed with court: American Honda Finance Corporation, National Bankruptcy Center,
P.O. Box 168088, Irving, TX 75016-8088)
14342621* Discover Bank, PO Box 742655, Cincinnati, OH 45274-2655
14342630* Wells Fargo Financial Bank, PO Box 660553, Dallas, TX 75266-0553

TOTALS: 1, * 6, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '+' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

District/off: 0315-2

User: dbas
Form ID: 149

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Total Noticed: 26

Date Rcvd: Sep 14, 2018

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 16, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 14, 2018 at the address(es) listed below:

Christopher M. Frye on behalf of Joint Debtor Erin B. Vitale chris.frye@steidl-steinberg.com,
julie.steidl@steidl-steinberg.com;todd@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;cgo
ga@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@steidl-ste
inberg.com
Christopher M. Frye on behalf of Debtor Richard F. Vitale, Jr. chris.frye@steidl-steinberg.com,
julie.steidl@steidl-steinberg.com;todd@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;cgo
ga@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@steidl-ste
inberg.com
James Warmbrodt on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
William E. Craig on behalf of Creditor American Honda Finance Corporation d/b/a Honda
Financial Services, Administrator for Honda Lease Trust ecfmail@mortoncraig.com,
mhazlett@mortoncraig.com;mortoncraigecf@gmail.com

TOTAL: 6